

## REMARKS

Claims 1, 5-17, and 31-40 are pending in the present application. Claims 2-4 and 18-30 were previously canceled. Claims 1 and 31 have been amended herein. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Claims 1, 5-17, and 31-40 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 6,839,767 (hereinafter “Davies”), in view of U.S. Patent No. 6,366,559 (hereinafter “Krishnan”) and U.S. Patent No. 6,888,842 (hereinafter “Kirby”). Applicants respectfully traverse these rejections.

Applicants’ claim 1 has been amended to recite, “calculating a measurement level, the measurement level being a rate lower than the threshold,” “repeatedly measuring, during usage, multiplexing properties of the aggregated ADFs on each link, wherein the measuring begins when a reservation level exceeds the measurement level,” and “recalculating the measurement level based on the dynamically adapted threshold.” These limitations are not taught or suggested by the cited references.

Applicants remind the Examiner that “when evaluating the scope of a claim, every limitation in the claim must be considered. USPTO personnel *may not dissect* a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered.” MPEP § 2106 (emphasis added). In this case, Applicants’ claim 1 recites setting a threshold for each link, calculating a measurement level that is lower than the threshold, repeatedly measuring the multiplexing properties of the aggregated ADFs such that the measuring begins when the reservation level exceeds the measurement level, and dynamically adjusting the threshold and the measurement level.

The cited references, either alone or in combination, fail to teach such a process as recited in Applicants' claim 1. For example, the cited references fail to teach calculating a measurement level at which point measurements are to begin. The cited references also fail to teach or disclose, among other things, dynamically adjusting the threshold and the measurement level.

In view of the above remarks, Applicants respectfully request that the rejection of claim 1 be withdrawn. Claims 5-17 depend from claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have amended claim 31 to recite, "means for calculating a measurement level, the measurement level being a rate lower than the threshold," "means for repeatedly measuring, during usage, multiplexing properties of the aggregated ADFs on each link, wherein the measuring begins when a reservation level exceeds the measurement level, each measuring being performed over a period of time," and "means for dynamically adapting a level of said threshold by utilizing the measured multiplexing properties of the ADFs on each link and by utilizing knowledge about the forwarding resources of the links and for recalculating the measurement level based on the dynamically adapted threshold." As discussed above, the cited references fail to teach or suggest these limitations. Accordingly, Applicants respectfully request that the rejection of claim 31 be withdrawn. Claims 32-40 depend from claim 31 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully

requested that the Examiner telephone Roger C. Knapp, Applicants' Attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

---

November 19, 2009  
Date

SLATER & MATSIL, L.L.P.  
17950 Preston Rd., Suite 1000  
Dallas, Texas 75252  
Tel.: 972-732-1001  
Fax: 972-732-9218

---

/Roger C. Knapp/  
Roger C. Knapp  
Attorney for Applicants  
Reg. No. 46,836